

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN RE:

Stephanie V. Matthews

Debtor(s)

Chapter 13

Case Number: 16-46136

Hon. Maria L. Oxholm

Proposed Chapter 13 Plan Modification

NOW COME Debtor, Stephanie V. Matthews, by and through undersigned counsel, and proposes to modify her confirmed Chapter 13 Plan as follows:

1. Debtor(s) filed their petition for Chapter 13 Bankruptcy relief on April 22, 2016.
2. Debtor(s) plan was confirmed on October 7, 2016.

Proposed Modification Number One

3. Debtor is obligated, pursuant to her confirmed plan, to remit her federal income tax refund to the Office of the Standing Trustee for every taxable year they remain in their Chapter 13 Bankruptcy.

4. For the taxable year of 2018, Debtor received a federal income tax refund of \$3226.00.

5. For the taxable year of 2017, Debtor received a federal income tax refund of \$3728.00.

6. For the taxable year of 2016, Debtor had a federal income tax refund of \$1410.00

7. Debtor proposes to excuse her obligation to remit their federal income tax refund for the years 2016, 2017 and 2018.

8. As justification, Debtor(s) offer proof of the following unanticipated expenses (the “Expenses”):

9. Debtor's dental insurance is insufficient and pays excessive out of pocket costs for her daughter's dental work, this has caused \$2460.00 of unanticipated expense in 2018 (Barbieri Ortho, 10/22/2018 and 11/26/2018) . See attached **Exhibit 6**.

10. Due to Debtor's lack of dental insurance, she has also incurred excessive out of pocket expenses in her name in the amount of \$1000.00 (Pointe Dental Group, 12/15/2016-09/1/2017), and \$627.91 (Pointe Dental Group, 8/21/2018). See attached **Exhibit 6**.

11. Due to Debtor's lack of health insurance, this has also caused Debtor to incur excessive out of pocket medical expenses in her name, she incurred unanticipated expenses of \$1022.45 and \$381.24 in 2018 (Beaumont, 6/30/2018; Roseville Neurology Institute, 6/27/2018). See attached **Exhibit 6**.

12. The Debtor incurred medical expenses in the form of lasik surgery, causing \$3400.90 of unanticipated expenses (Lasik Plus Vision Ctr., 3/26/2017). See attached **Exhibit 6**.

13. Because the above expenses are for the support, and wellbeing of the Debtor and her dependents, the retention of their 2016, 2017, and 2018 income tax refunds is justified, the total expenses are in aggregate \$8892.50.

Proposed Modification Number Two

14. Debtor had a 2016 Kia Sportage, the car became unreliable.

15. Due to this occurrence, Debtor(s) proposes to surrender the claim attached to her 2016 Kia Sportage and the claim held by Kia Financial Services at class 5.1 of her confirmed plan. See **Docket No. 34 at page four**.

16. Debtor(s) will replace the \$639.00 car expense with a \$568.00 per month payment she makes to her father for use of his car, provided the Court approves this expense.

17. An amended Schedule J will be filed concurrently with this Plan Modification which will disclose the new car expense.

Effect of Modifications

18. The Proposed Modifications will have the following effects:

- a. **Class one administrative claims** – will not be impacted.
- b. **Class two continuing claims** – will not be impacted.
- c. **Class three secured claims to be stripped from the collateral** – will not be impacted.
- d. **Class four continuing claims that survive the plan** – will not be impacted, as the claim is “Direct Pay”.
- e. **Class five secured claims where the last payment will become due during the plan** – will not be impacted.
- f. **Class six executory contracts** – will not be impacted.
- g. **Class seven priority unsecured claims** – will not be impacted, and will be paid pursuant to the plan.
- h. **Class eight special unsecured claims** – will not be impacted.
- i. **Class nine general unsecured claims** – will decrease dividend, however, for the reasons stated herein, the reduction is reasonable.

WHEREFORE, Debtor(s)’ respectfully request this honorable Court enter an order granting Debtor(s)’ Proposed Plan Modification as more specifically set forth in the attached **Exhibit 1**.

Respectfully submitted,

Dated: May 2, 2019

/s/William C. Babut
William C. Babut (P41099)
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Order Granting Proposed Chapter 13 Plan Modification

THIS MATTER having come before the Court on Debtor's Proposed Plan Modification; no parties having objected or after hearing, and the Court being duly informed in the premises:

IT IS ORDERED that Debtor's duty to remit her 2016, 2017 and 2018 federal income tax refunds is excused.

IT IS FURTHER ORDERED that the claim held by Kia Finance at class 5.1 is surrendered and the remaining claim will be treated as a class 9 general unsecured debt.

IT IS FURTHER ORDERED that in all other respects, the Order Confirming Plan shall remain in full force and effect.

Exhibit 1

**UNITED STATES BANKRUPTCY COURT
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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed Chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

William C. Babut
Babut Law Office, P.L.L.C.
700 Towner Street
Ypsilanti, MI 48198

Tammy L. Terry
Chapter 13 Trustee
535 Griswold, Suite 2100
Detroit, MI 48226

Date: May 2, 2019

/s/ William C. Babut
William C. Babut (P41099)
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700 Towner Street
Ypsilanti, MI 48198
734-485-7000
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EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
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PROOF OF SERVICE

Kim Justice hereby certifies that on May 2, 2019, that she served a copy of the following documents:

- Proposed Chapter 13 Plan Modification,
- Notice of Deadline to Object to Proposed Chapter 13 Plan Modification
- Proposed Order Granting Proposed Chapter 13 Plan Modification
- Exhibit(s)
- Proof of Service

On All interested parties on the attached Court Matrix,

Dated: May 2, 2019

/s/ Kim Justice

Kim Justice

Babut Law Offices, P.L.L.C.

700 Towner Street

Ypsilanti, MI 48198

734-485-7000

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EXHIBIT 4